

Mr. C. A. KUNJUNNI RAJA.

On a point of order. It is now 3—30. The adjournment motion must be taken up.

President.—Yes, you may move your motion.

**The appointment of an official Chairman to the
Mattancheri Municipality.**

Mr. C. A. KUNJUNNI RAJA.

Sir, I rise to move for an adjournment of the business of the Council for the purpose of discussing an urgent matter of public importance, the subject-matter of which has already been placed before this Council by the President when my statement was read this morning.

You will find from the recent Cochin Government Gazette that there are two notifications in it, by which one of the premier Municipalities of Cochin was deprived of the right of electing its own Chairman. I refer to the notifications, Nos. 49 and 50, on page 206 of the Gazette issued on the 19th of Vrischigam 1101 (4th December 1925). The notifications are under Section 7 (1) of the Cochin Municipal Regulation XI of 1096.

“No 49.—It is hereby notified that the Chairman of the Mattancheri Municipal Council for the ensuing term shall be appointed by the Government”.

“No. 50.—In pursuance of the Government Notification, dated 4th December 1925,” i. e., Notification No. 49, “Government are pleased to appoint M. R. Ry., N. Rajagopalachari Avergal, Assistant Engineer, Southern Division, as the Chairman, Mattancheri Municipal Council, for the ensuing term with effect from 20th Vrischigam 1101, the date of retirement of the present Chairman”.

President.—Rule 21 (1) of the Legislative Council Rules. Please refer to that.—

“On a motion to adjourn for the purpose of discussing a matter of urgent public importance, the only question that may be put shall be “that the Council do now adjourn”, provided that, if the debate is not concluded earlier, it shall automatically terminate at the end of two hours, and thereafter, no question shall be put”.

Mr. C. A. KUNJUNNI RAJA.

That rule is for the President, not for me. I mean that the proper occasion to put that question is at the end of the debate. Just note it, please. When I presented my statement of reasons yesterday, the Diwan-President promised

that he would publish a Press Communique on the subject, and if I felt satisfied with the reasons of the Government, I would not be willing to press this motion. Sir, a copy of the Press Communique has been put into the hands of every member of this Council, and the reasons urged therein are not very convincing. Of course, there must be something more behind it, and I am waiting for more details from the Government Member, and if anything more has to be said, I will reserve it for my reply. My chief complaint is with regard to an official Chairman being nominated. A non-official could have been easily found in Cochin to occupy this place. Is Cochin a place where only devils dwell? With these words, I place the subject before this Council for a full discussion.

President.—Have you nothing to say about the reasons already given? And the word used is not happy.

Mr. C. A. KUNJUNNI RAJA.

I shall deal with the Communique even at this stage.

The main reasons are given in the second sentence, that the election of the last Chairman was characterised by prejudice and rivalry. Is there a Council in the Cochin State or anywhere on the face of the world where election takes place without bitterness or rivalry?

Another reason is that a new party is said to have been formed against the Chairman. It is not possible to get a unanimous Council always. There will be some people always against the Chairman. Thirdly and lastly, it is said there was litigation in the courts of the State on account of the recent election. Whenever the legal rights of a Council or of an individual are infringed under abuse of powers, people have to resort to courts of law. Is it a sin to go to the courts for redress when rights are infringed? These are the reasons and I feel that these are not very convincing.

Mr. C. A. OUSEPH.

Sir, I support this motion for adjournment. The action of the Government referred to in this motion came upon us, as also upon all the people in Cochin, as a bolt from the blue. This, in my opinion, is the last step an advanced Government like the Government of Cochin should have taken. Mattancheri is one of our premier Municipalities, and it was the right of the rate-payers of Mattancheri, as it is in every other Municipality worth the name, to have an elected Chairman. Sir, we live through times wherein rights after rights are yielded to the people in every part of the world. Therefore, it is too late now for the Government to take back, for whatever reasons, what it has willingly given to the people.

I shall now briefly examine the reasons, adverted to in the Press Communique for this retrograde step. Sir, the Press Communique begins thus: — "The Mattancheri Municipal Council, ever, since its reconstitution under the Municipal Regulation XI of 1906 was giving a lot of trouble to the Government." But I find from the Administration Report for the year 1909, dated 30th December 1924, that "The Municipal franchise was extended, the number of Councillors in Municipalities throughout was increased, and the right of electing the majority of the Councillors was given to the people, the Chairman being allowed to be elected by the Councillors themselves. Considerable enthusiasm was shown by the elected Chairmen and Councillors in the conduct of the business entrusted to them, and their work on the whole was fairly satisfactory." Sir, if the Mattancheri Council was giving a lot of trouble to the Government, it would have been referred to in the Administration Report, but the Government say that "their work, on the whole, was fairly satisfactory" and we, the people, have to place trust in the Administration Report annually issued by the Government.

The Press Communique continues: — "The election of the Councillors and the Chairman in the last Council was characterised by bitterness and rivalry. A new party opposed to the Chairman with obstruction, whether reasonable or otherwise, as its main objective came into existence within the Council, and the proceedings of the Council were not infrequently marked by the absence of that dignity and decorum which should attend the deliberations of a reasonable body like the Municipal Council." Sir, I do not know wherefrom this information was gathered by the Government: but here is the newspaper "*Hindu*" of Madras, dated 7th November 1925, and I find, in a letter published therein under the caption "Mattancheri Municipality", many of the distinguishing words of the Press Communique. I shall read only one sentence. "He"—the Chairman "sought to belittle the protests of the elected majority by dubbing them as obstructionists in his communications to the Government." I do not know whether it is these communications that have inspired the Government to characterise the opposition to the Chairman as obstruction. Whatever that be, no materials have been placed before this House wherefrom to judge that the opposition was out for obstruction. The general statement in the Communique, unsupported by facts, cannot carry conviction, especially in the face of the remarks in the Administration Report already referred to. As for the charge that "the Proceedings of the Council were not infrequently marked by the absence of that dignity and decorum which should attend the deliberations of a reasonable body", I may say that this is the first time that such a

charge is levelled against the Council. The proceedings are regularly sent up to the Government, and they are published in the Gazette. If the Government had noticed at any time during the last two years that the proceedings were wanting in dignity and decorum, there was ample time for the Government to warn the Council. I ask whether the Government has at any time given any warning to the Council on these grounds. The Press Communique is silent over the matter. If warnings had been given, that fact would certainly have found place in the Communique.

The Press Communique goes on to say "Latterly, the spirit of faction began to infect the rate-payers themselves, and the difference became so acute that they culminated in a series of litigations in the courts of the State." I ask whose fault it is. There was an acute difference of opinion between the Chairman and the two other members of the revising authority over the meaning of the rules governing the revision of electoral rolls. The acting Government Advocate agreeing with the Chairman gave one interpretation of the rules, and the Diwan agreed with this view whereby the electoral roll was largely curtailed in Mattancheri, while the Diwan allowed a different interpretation to note the revision in the Trichur and Ernakulam Municipalities. The permanent Government Advocate was of opinion that the latter interpretation was the correct one, and then the Diwan ordered that the revision in Mattancheri also must be governed by it, and new electoral rolls were ordered to be prepared on this basis. If the rate-payers took recourse to the law courts, they did so only to maintain their rights, and they were goaded on to it by the shilly-shallying manner in which their electoral rights were dealt with by the Government.

Next, the Communique makes reference to the prevalence of a factious spirit and the existence of parties. The existence of parties indicates only a healthy sign. In every country and in every administration there are parties. People belong either to one party or to the other. A man who does not belong to a party seldom stands for progress. He is not a man imbued with the spirit of democracy. We see parties everywhere trying to do good to the people and to the country of which they are the citizens. In Mattancheri there were parties who pointed out the defects of the Chairman and of the Councillors. Such parties are necessary. They should be encouraged and not discouraged. I do not know what reason there is for calling this a factious spirit. To the best of my knowledge, the two parties in Mattancheri differ on matters on principle.

The late Municipal Chairman was asked to give certain statements regarding the manner in which he was spending money that was granted for the purposes of the Town Improvement. He said that the Municipality had nothing to do in the matter, as the money was handed over to him as the President of the Town Improvement Committee. It was stated in this House from the Government side that the money was handed over to the Municipality. Sir, is not the Chairman answerable to the Councillors in regard to the use of these amounts? Where is the factious spirit? All these go to show that there were people who were always on the alert regarding the actions of the Chairman (*Hear, hear.*) They had every right to oppose him when he went wrong. I cannot understand the arguments that induced the Government to think that an official is necessary. In Mattancheri there are many men, most respectable men, carrying on very big business. Indeed, any one could be found interested in the business of carrying on the Municipal affairs of Mattancheri. The reasons given by the Government to show that an official was absolutely necessary are not convincing. If the Government thought that either party should not be entrusted with the work of carrying on Municipal affairs, they could have at least nominated a non-official.

Mr. A. EACHARA MENON.

Belonging to no party.

Mr. C. A. OUSEPH.

Then, Sir, I do not know whether any notice has been given to the Municipality by the Government of this extreme step that they intended to take. The "*Hindu*" of the 6th December 1924 publishes the report of a similar motion moved in the Madras Legislative Council over the appointment of a Chairman by the Madras Government in the Dindigul Municipality, and I see therefrom that the Madras Government gave notice to the Municipality to show cause why their civic right of electing a Chairman should not be taken away. But our own Government, the Government in which we enjoy Swaraj was not even prepared for that.

President.—Does the Regulation require that?

Mr. C. A. OUSEPH.

I do not think it is necessary under the Regulation.

Mr. A. SANKARA PUDUVAL.

The member is exceeding his time.

Dr. A. G. MENON.

With the consent of the President, he can take more time

Mr. C. A. OUSEPH.

I do not want more time. The Government could have given notice to the Municipality and to the people. This the Government has not done. For these reasons I second the motion.

Dr. A. R. MENON.

I rise to-day to address this Council for the first time. I have not got accustomed to the surroundings nor have I been able to take my bearings. I rise to-day, fortunately, to support the Government for the action they have taken against the Mattancheri Municipality. For, the whole of my career as a Chairman has been a continuous fight with the Government for their undue and unconstitutional interference in Municipal administration. Now then; if I get up to-day to help the Government, it is because I do believe that a state of circumstances had arisen in Mattancheri which necessitated prompt action on the part of the Government. It is strange that responsible people who have been elected by the public should misbehave so disgracefully as the Councillors and the Chairman of the Mattancheri Municipality have done. It is still more strange that the Government should have kept quiet to the extent they have done; and, in my opinion, they would have been justified had they interfered with the administration much earlier (*Hear, hear*). Now, Sir, it is very difficult to apportion responsibility for this state of affairs. What is the position of the Chairman? The position of the Chairman is that he is the executive officer responsible solely to the Council and not an officer under the Government or the Diwan. The unfortunate fact is that the Chairmen now-a-days think that they are more or less like office boys under the Huzur and not responsible to the Council. The moment he ceases to enjoy the confidence of the Council, it is the duty of the Chairman, as a self-respecting, public-spirited gentleman, to tender his resignation forthwith. There had been instances of strained relations between the Chairman and the members in this Municipality which clearly indicated that the Chairman's presence was unacceptable to the majority of the Council. I submit that it was then the duty of the Chairman to tender his resignation, which he had not done, and that is my charge against him.

Mr. C. A. OUSEPH.

Are the people to suffer for that?

Dr. A. R. MENON.

The Government had done much to save them. What is the responsibility of the Councillors? Rightly or wrongly, Mr. Parameswara Ayyar got himself elected as Chairman, and it is always the custom of the defeated party to charge the other party with bribery and corruption and to boast of their own high moral principles. After the election, they raised a hue and cry and said that Mr. Parameswara Ayyar got in by means of bribery and corruption.

Mr. A. B. SALEM.

I do not think that any Councillor has said that.

Dr. A. R. MENON.

They created such an impression in the public mind.

Mr. A. B. SALEM.

No statement should be made here unless the person speaking makes himself responsible for it.

Dr. A. R. MENON.

I am responsible for all my statements and actions.

Mr. N. PADMANABHA MENON.

I raise a point of order, Sir. Are members allowed to address each other?

Mr. S. F. NUNEZ.

Not the custom here so far.

Dr. A. R. MENON.

What was the attitude of the Council? Now, once Mr. Parameswara Ayyar is appointed, is it not the duty, I ask, of the Councillors to support him? But, immediately he was elected, the Councillors began to work with a prejudice against him. That has been the behaviour all through in the Council. Naturally, the Chairman lost his moral and material support. He began to lean himself more and more upon the Government.

President.—Did he not get the majority in his favour?

Dr. A. R. MENON.

Yes, Sir. But the Councillors interest themselves only in the matter of electing the Chairman, generally speaking. (*Laughter.*)

President.—Do you speak it from your own experience?

Dr. A. R. MENON.

I have been fortunate in my own experience. We have been waging war with the Government, which procedure appealed to all of us alike.

President.—That is a popular thing, you know.

Dr. A. R. MENON.

The result was he had to depend upon the Government. Consequently, the gulf between the Councillors and the Chairman widened, and the whole Municipal Institution, that was in working order, tumbled down.

Mr. A. B. SALEM.

No.

Dr. A. R. MENON.

At least, the working machinery went out of order.

Mr. A. SANKARA PUDUVAL.

May I request you, Sir, to ask Hon'ble Members to avoid such irksome interruptions? We cannot afford to be indulgent here.

President.—I do not follow your point.

Mr. A. SANKARA PUDUVAL.

Hon'ble Members are interrupting the speaker, and there is a time-limit.

Dr. A. R. MENON.

The Council came into a state of chaos and confusion prevailed. People were put to great trouble and a number of suits were lodged in Civil and Criminal Courts. I ask, is it not the duty of the Government, apart from the Chairman and the Council, to look after and safeguard the interests of a long suffering public? The Government rightly interfered and put an end to the miserable state of affairs by appointing their own man as the Chairman. The question was raised by the Member for Chalakkudi, why not appoint a non-official gentleman from Mattancheri? From the conditions existing there, can you imagine for a moment that you could get a single man who had not identified himself with one party or the other? I think it is impossible. The only impartial man they could get was one of their own officers, and they appointed the Assistant Engineer, who happened to be a member of the Council also. In my humble opinion, as I have said, though I have often found it very difficult to see eye to eye with the Government elsewhere, in this House, I am happy to think that the Government have done the right thing. The only mistake is, it had not been done much earlier. (*Hear, hear.*)

Mr. A. B. SALEM.

Sir, I rise to support the motion. In these days of self-government the rights once conferred on the people to manage their own affairs, to make their own beds and to lie upon it, should not be dealt with summarily in the fashion in which the Government have done. Here is the Mattancheri Municipality existing for 15 years and more under the old Regulation and continuing under the new Regulation. The Municipality was going

on very well till the last year. What were the causes for the change and what is the trouble now? These are the two things to which I address myself this day.

There was an election of a Chairman in 1099. That was the first time that the right of election was given to the Mattancheri Municipality. Naturally, the Municipality that was given the right of election into its own hands, had its own Chairman, and the contest showed healthy signs of vigour. This is the natural conclusion. Great forces rivalled one another to get the seat of honour—healthy sign it is—and the Council got a Chairman elected by a majority of one vote. That showed that the Municipality that was allowed to exercise the right of election and was ripe for the exercise of the Civic right. The Chairman got in with a very narrow majority of one vote. It was the duty of the Chairman to stand there as long as he could command a majority. Whatever may be the reason, in a self-governing institution, when a person gets into power by the sufferance of the majority of that institution, the first and foremost duty, I believe, of the Chairman standing upon the sufferance, will be to withdraw as soon as he loses his majority from his position of power. It is not open to the Chairman or to the Government to allow him to fall back upon the bureaucratic power that is vested in the Diwan. The Chairman, having lost support in the Council, found that he wanted the support of the Diwan to continue in office. He must have said to the Diwan: "I have lost the support of the Councillors and I want you to side me". It was the prime duty of the Government to tell the Chairman: "if you cannot carry the majority of the Municipal Council with you, it is your duty to tender your resignation and see whether you can get back the majority." That is what the Government ought to have said. The Government ought to have said: "You are helpless; you may tender your resignation and leave the Municipality to its own fate". We shall however consider what has been done in the case of Mattancheri. The Chairman lost the confidence of the Council, whether the Councillors were oppositionists or obstructionists. He started with a majority. Was his majority there to support him? As expressed by the Hon'ble Member for Irinjalakkuda, he lost the majority by the manner he has been acting in the Municipality. His arbitrary methods of action, his bureaucratic, conservative tendencies were not appealing to the good sense of the Councillors. The Councillors resented it. He was ruling them out of order irregularly against the provision of rules framed under the Regulation; and I—an eye-witness myself—attended some meetings to find out whether it was the members or

the Chairman that was in the wrong, and I am constrained to endorse every statement made here by the Hon'ble Member from Trichur.

President.—He is not the Hon'ble Member for Trichur.

Mr. A. B. SALEM.

Beg your pardon, Sir. I have attended meetings of the Council. I have seen how arbitrarily the Chairman was ruling amendments, etc., out of order, how he would not allow any amendments moved from his opposition, and how he allowed the same amendments to be moved when it came from his own party. It is these acts that made him lose the majority that he had. The moment he lost the majority, it was the incumbent duty of the Diwan of Cochin to advise him to tender his resignation. That has not been done; and that has been the cause of further trouble in the Municipality, and the Government themselves having been the cause must thank themselves for the muddle.

The statement to the Council contained in the Communique seems to be an extract of the story written by the Chairman to the Diwan. What was his personal interest as soon as he had lost the confidence of the Council? It is a self-governing institution. The Chairman stands upon the pillars of support of the Councillors, and as soon as the pillars tumble down, one by one, and he loses his majority, he must resign and should have done so.

President.—Has he not a vested right for a term of two years?

Mr. A. B. SALEM.

He has got his vested right, but he cannot carry on the work of the Council. If he could not carry on the work of the Council, his prime duty was to give way for a new Chairman to be elected. It is open to the Chairman to say: "I stand on my right". Because he did that, we are here to discuss his conduct and the work that he carried out in spite of the loss of the confidence of the Council. Is it the opinion of the Government that in a Municipality, in which there are highly respectable members, as Messrs. Koder, Abdul Satar, Hajee Moosa and other men dealing in lakhs of rupees, there are none fit to be a Chairman? Is it, Sir, the opinion of the Diwan of Cochin, that in that town there is none who could be a Chairman in the Municipality of Mattancheri, none who could work the Council harmoniously? The

Government have done a grievous injustice when they held out that there was no one in that Municipality who can work it satisfactorily and harmoniously. Instead, the Government said: "Let us improve the condition of the Municipality by appointing a Chairman for the time being". It will be base calumny, it will be a condemnation undeserving of the Government that they have made it out that there is not a single gentleman of high standing, culture, power and wealth in that Municipality. That is the reason why I support this motion. If I am convinced that there are nobody in Mattancheri capable of doing the work of the Council, I would be on the side of the Government. I am convinced that there are gentlemen residing there who are interested in the work of the Council and who are capable enough to manage this Municipality; and that is the regret I have, and hence I raise my voice against the action of the Government. Now, Sir, here is the right of election you have conferred upon the Municipality according to the Municipal Regulation. There is no power in the Government, and I challenge the Government Advocate on the opposite side if they have the power, to take away the right of election once conferred on the Council. It was open to the Government when they instituted a Municipality to say that such and such a Municipality shall have a Chairman appointed by the Government and such and such a Municipality shall have an elected one.

President.—Has the Government no right to appoint a Chairman?

Mr. A. B. SALEM.

Government have. But once the right has been conferred on the Council, it is the duty of the Councillors to elect a Chairman. The Government has no power to suspend or take back the power that has been once conferred by the Regulation. There is not a single section in the Regulation which empowers the Government to withdraw the right of election. There is no power in the Regulation to remove a Councillor who has been elected.

President.—That is still a matter to be decided. Suppose you differ.

Mr. A. B. SALEM.

The courts will decide the point. That is the point here. No Act says that, and hence the trouble. It is a Regulation that constituted the Municipality of Mattancheri. As soon as people saw their rights were infringed, they went to the executive to get their rights remedied. What happened, Sir? The eleven

Councillors of the Municipality, that is the majority, tendered their resignation.

President.—Had they not vested rights?

Mr. A. B. SALEM.

Have they not? When a resolution was brought to move a vote of no-confidence in the Chairman, it was arbitrarily ruled out. Why did he not put the resolution to vote and take a stand upon the result of it? Under what powers did he veto the resolution brought against his administration of the Municipality? To veto a resolution that was sent against him! What happened? He went to the Government for support. The Councillors went to the Government and complained: "We are going to bring a resolution of no-confidence in the Chairman." Government said: "We will not interfere." Had the Government interfered, this result would not have followed. As honourable gentlemen who sit here in this Council, we can serve no parties. The Chairman would not allow anything. The Councillors could not do anything. What is the next step they can do? As honourable gentlemen they tendered their resignation and walked out of the Council. When the Government knew this, their prime duty was to advise the Chairman to remove himself. Several public meetings have been held in the meanwhile to proclaim that the Chairman is not acting according to the rules, and it has been decided that he has not been so acting in the matter of the preparation of the electoral rolls. The Chairman prepared it in an arbitrary manner. The Government itself was convinced that the preparation of the roll was in an arbitrary manner, without assigning reasons. That was how it came out. What about the Chairman? They found him wanting. Did the Government advise him to go out of the Council? The Government kept him and supported him till the time when he could no longer sit there, when his time lapsed. The Government said: "We are convinced that the Municipality cannot be run except by an official Chairman." If the Government was convinced of all these troubles, of all these annoyances to the body politic which has been caused by the Chairman and did not remove him, what is their justification to come forward now to say that there is nobody else who could run that Council? That I can never imagine. That the Chairman had been carrying on the administration in a most arbitrary manner would be seen from this.

Mr. S. F. NUNEZ.

The Hon'ble Member has exceeded his time.

Mr. A. B. SALEM.

Then, with these words, I support the adjournment motion.

Mr. S. S. KODER.

In supporting the motion, I have something to say about the Chairman's attitude towards the Council. First of all, as some of the members said here, he got into the Council with a majority, but the majority did not like him afterwards for various reasons. When Councillors bring in resolutions, and if it suit his purpose, he would allow, and if it is not, he would not. It came to such a stage that no work could be done, and the Councillors found fault with him in more ways than one. He was giving out contract works without any principle. The Councillors protested, found fault with the contractor and the works done, and brought it to the notice of the Chairman. All that the Chairman would say is, "I am satisfied". Is that enough, Sir? The duty of the Chairman is to listen and to go and inquire into the matter. Is it not? That is one thing.

When Councillors begin to put in interpellations, they were not allowed by him. What was the result? All these were brought to the notice of the Government by the respectable members, and the Government declined to interfere. He disfranchised about 2,000 voters in the voter's list he prepared, with the result that a number of cases cropped up and large amounts had to be spent by the Municipality and the rate-payers. He was characterized by the Government Advocate as "a mother without a child" or "a child without a mother", as the Chairman would not give him any instructions in the cases he was appearing for the Municipality.

Now, Sir, I am coming to the Press Communique. The first thing that the Government say with regard to the action is that it was absolutely necessary for the health of the Municipality. I shall quote here an instance. In the British Municipality at Cochin whatever the Chairman said was law and the Collector's remarks were that "The Councillors were far below the average of the other Municipalities in Malabar". The Councillors said: "Yes", because every word the Chairman said was law. If the Chairman said: "Hang you", they will say "Yes, Sir". On the contrary, the result here is a Chairman whose actions were criticized by the Councillors under such circumstances.

President.—Can any one complain against the Municipality?

Mr. S. S. KODER.

Any one who has spent money can complain.

President.—You cannot complain about the Mattancheri Municipality.

Mr. S. S. KODER.

If all the Councillors allow the Chairman to do whatever he wishes, what is the use? Whose fault is it? Is it of the Councillors or of the Chairman? Now, they say the spirit of faction began to affect the rate-payers. Is it the fault of the Councillors or of the Chairman? Now, the party opposes the Chairman whether reasonable or otherwise. The Government is not sure whether they are reasonable or otherwise. Suppose the Government thought that the Councillors were in the wrong. What is the remedy, Sir? I would certainly ask the Government to nominate all the members.

President.—You send away those who have already got in. We must act arbitrarily.

Mr. S. S. KODER.

That is the way how it is now done.

President.—What else can be done?

Mr. S. S. KODER.

If the fault is on the Councillors, you can find fault with them.

President.—What are the materials against them? How do you find their fault? Give him opportunity, and he will prove to be a most capable Councillor. Could the Government arbitrarily say that they are at fault?

Mr. S. S. KODER.

Is it the Chairman who is at fault? One of them must be at fault. Suppose the Chairman is at fault. Is there not a single man in Mattancheri to come as the Chairman? Is it very hard

to find one man out of the two thousand four hundred and odd voters? I am sure Government can easily find out one man, if they want. The grievance of the people of Mattancheri is that their right is taken away, and it is given to an official. You said from the Chair, "Has he not got a term of two years as Chairman of the Municipality to sit in the chair?" He can stick to the chair, but will any man of self-respect and hesitating"?

President.—Why are you hesitating?

Mr. S. S. KODER.

I want a very soft expression. Will any gentleman stick to it, when his supporters are gone?

President.—Suppose he wants it, in spite of the opposition.

Mr. S. S. KODER.

That is what I wish to point out.

Mr. M. KRISHNA MENON.

Sir,

I rise to oppose the motion. In the year 1099 there was a keen fight in all the Municipalities of the Cochin State for the election of the Councillors and also for the election of the Chairman. There were two parties in all the Municipalities, and the Government wanted to remain neutral, and issued an order to the nominated Government members not to vote for the election of the Chairman. After that, the Chairman was elected, and all other Municipalities except Cochin worked very harmoniously. There was absolutely no trouble in any other Municipality. There was no complaint against the Chairman in Trichur, Ernakulam and Chittur. In those places, after the election of the Chairman, the Councillors joined hands and co-operated with the Chairman and worked for the good of the rate-payers. But in Cochin the fight continued after the election of the Chairman. The defeated party did not forget or forgive and began to fight like Kilkenny cats. I say from my own personal experience that these Councillors took every opportunity to obstruct the Chairman in the discharge of his duties. One of the Hon'ble Members read an extract from the "*Hindu*". The reporter of the "*Hindu*" who is sitting

close by is one of the chief obstructionists, according to the Chairman. He reported *his* version, and that has been brought forward to substantiate the charge against the Chairman. I am only surprised that a member of my own profession has put forward this self-supporting statement as evidence against the Chairman.

Mr. C. A. OUSEPH.

It is only for the coincidence of the use of certain words.

Mr. M. KRISHNA MENON.

The Government might have borrowed those words from the "*Hindu*". The Government subscribes for the "*Hindu*". The Diwan might have read the articles or the same language might have been used by the Councillors or Chairman when they communicated with the Government. The matter reached a crisis. I perfectly agree with the Hon'ble Member that Government ought to have interfered earlier. The proceedings of any meeting is sufficient to convince any one where the fault lies.

President.—The Government did interfere at an earlier stage and asked for the explanation of the Councillors.

Mr. M. KRISHNA MENON.

Yes. But they would not submit any explanation. The Chairman had to go to the meeting even with body-guards, fearing personal violence. The Chairman had to apply to the Magistrate for assistance to go on with the meeting.

Mr. A. B. SALEM.

Still he would not resign. (*Laughter.*)

Mr. M. KRISHNA MENON.

He was prepared to go. But the Government was not prepared to let him go. Because the Government was convinced that it was not a good policy to give the Chairmanship to some of these people. I say the Government is perfectly justified in exercising its authority so far as the Cochin Municipality is concerned. It is very easy to ask why, out of 2,400 voters, you cannot find a single man for the post. You cannot find any who has not taken one side or the other in the fight.

Even before his election as Chairman Mr. K. A. Parameswara Ayyar was once nominated as Chairman. Afterwards, Mr. A. B. Salem, Mr. Guna Pai and others were nominated Chairman. They were all living at Ernakulam.

President.— None from Cochin was found?

Mr. M. KRISHNA MENON.

No. That was the state of affairs.

Mr. S. S. KODER.

Dr. Redcare was doing the work. Mr. Madhava Prabhu was for some time the Chairman.

Mr. M. KRISHNA MENON.

Mr. Madhava Prabhu is a Vakil residing at Ernakulam. So all along the Cochin Municipality has gone in for a Chairman from Ernakulam, because they themselves were confident that there was no one among them to do the duty. With regard to the non-confidence resolution, Mr. Koder himself will admit that there is nothing in it.

Mr. S. S. KODER.

I object to the use of my name.

Mr. M. KRISHNA MENON.

Then, excuse me, Sir. I only say that a non-confidence resolution was brought in another Municipality against the Chairman without any foundation. The same thing was done here also.

Mr. S. S. KODER.

I resigned.

Mr. M. KRISHNA MENON.

To avoid all this confusion, it is only proper on the part of the Government to interfere, and the Government has done it correctly. Whether from Cochin or Ernakulam or any other place, it is left to the Government to choose the Chairman, and I think the appointment of an official is the correct procedure, because, if the Government finds that there is no party spirit, the Government can give the right of election and ask the official

Chairman to vacate. As the President has rightly remarked, if a non-official Chairman is nominated, he will have a vested interest for two years, and it will be difficult to get rid of him. So I oppose the motion.

Mr. A. SANKARA PUDUVAL.

Sir, inasmuch as I have given notice of a similar motion, I feel in duty bound to offer a few remarks of my own, not exactly in the spirit in which the mover has put it, but entirely from a constitutional point of view and on a matter of principle. I do not hold a brief, either for the Chairman of the Mattancheri Municipality or for the erring members thereof. I am not satisfied with the Press Communique, and I do not think that the circumstances narrated therein justify the Government in the extra-ordinary procedure it has adopted. I am not in possession of all the facts, which led up to this catastrophe. I will take it that the atmosphere in Cochin had become surcharged with party feeling, and that it was found difficult to conduct the elections in accordance with the rules laid down by Government. Local self-government was granted to us, in a small measure, only recently. The amended Municipal Regulation was passed only five years ago. The Administration Report of the State for last year states that on the whole Municipal administration has been fairly satisfactory. Section 236 of the Municipal Regulation runs as follows:—

“The Government may, by notification, direct that in any Municipality any of the sections of this Regulation except those of chapter VI (Taxation and Finance) shall not apply, and may modify or cancel such notification”.

Outsiders who were watching the progress of events in the Cochin Municipality, impartially, believed that the situation had become unsatisfactory, if not intolerable, at least six months ago. We hoped that the ‘storm in the tea-pot’ might easily sub-side, but our expectations proved wrong, and affairs were drifting from bad to worse. Whether the fault lay with the Chairman or with the members, the Government should have taken prompt action, and suspended the working of the Council.

Mr. A. B. SALEM.

That is a very serious matter.

Mr. A. SANKARA PUDUVAL.

From my point of view, it would not have been so serious, as the step which the Government has now chosen to take. If

timely action had been taken by the Government, rate-payers would have realised the gravity of the situation, and mended their ways as well as of those of the erring Councillors, so that, before the time for new elections arrived, some satisfactory settlement could have been arrived at. But Government remained passive, and indirectly aggravated the tension of the situation. 'A stitch in time saves nine'. I will not say that the Government was not actuated with the best of intentions in its procedure, but I maintain that the policy of drift, of inaction, in the early stages was erroneous. The terms, of the Chairman and Councillors were to have expired on the 20th of Vrischigam. Elections were allowed to be conducted. The total number of Councillors in the Cochin Municipality is 21, and the quorum for a meeting is 7. Eight Councillors for the new Council, were already elected; six had to be nominated by Government, and the trouble lay with the election of the remaining seven members. Inasmuch as the Chairman and the old Councillors would be vacating office, future trouble was unlikely, whether the fault of the past lay with the Chairman or some of the Councillors. Having remained passive so long, Government might very well have allowed the 14 Councillors to nominate their future Chairman. If the choice was objectionable, Government could have taken action, even after the nomination.

Section 7, clause 1 of the Regulation XI of 1096 says, "Unless the Government have directed by notification that the Chairman shall be appointed by them, every Council shall elect its Chairman subject to such rules as may be framed by Government. A Chairman shall hold office for two years".

The old Council ceased to exist on the 20th of Vrischigam, and the Government publishes two notifications in the Gazette, dated the 20th Vrischigam itself, to the effect that under section 7 of the Regulation it withdraws the right of the Councillors to elect their Chairman, and that it appointed an official as the Chairman for the Municipality for the next term (two years).

The notification under section 7 (clause 1) should certainly have been published earlier, so that everybody concerned might have known of it in good time. Of what earthly use is this publication of the 20th Vrischigam? I consider it as an improper use of the power, a misuse of the section.

Mr. A. B. SALEM.

The new Chairman may be asked to resign at once.

Mr. A. SANKARA PUDUVAL.

That is a different matter, altogether. Time permitting, I shall deal with that aspect of the question as well.

President.—There may not be time.

Mr. A. B. SALEM.

Of course, there may be time. The President has the power to give an extension of time.

Mr. A. SANKARA PUDUVAL.

Under Standing Order No. 14, clause 2, the President is empowered to grant an extension of time only to the mover and to the official member answering the mover.

My point is this. The Government ought not to have taken away the rights of the newly elected, unobjectionable Councillors in electing their Chairman, so lightly and so uncereimoniously. Government could have notified in the first instance, of course, early enough, that it would take action under section 7, if matters continued unsatisfactory. This would have opened the eyes of the rate-payers to the gravity of the situation. It was premature to believe that the new Councillors would also misbehave and misuse their powers. A cardinal principle of local self-government has been violated, without sufficient justification. Then again, why should the appointment have been for the full period of two years?

I know that the Government can ask the official Chairman to resign, whenever necessary, but this is no extenuation of the extreme step adopted.

I take exception also to the appointment of an official member as the President. The privilege of having a non-

official as Chairman is much appreciated and valued. If none of the elected Councillors were found competent, Government would have nominated a non-official as a member of the Council and appointed him as Chairman. My friend, the member for Vyttila, has pointed out that on previous occasions gentlemen from Ernakulam have held the office of the Chairman of the Cochin Municipal Council. I cannot, for a moment, think that a respectable and competent gentleman, was not available among non-officials, either in Cochin or in Ernakulam, to fill up the post. The action of the Government offends both against principle and expediency, and I cannot help condemning it. In these circumstances, I support the motion.

Mr. V. K. KOCHUNNI MENON.

Sir, I also oppose the motion. The question before the Council is whether the Government was justified in appointing an official Chairman for the Mattancheri Municipality. The right of electing the Chairman is, no doubt, a valuable right conferred on the Municipality, but unless that right is exercised for advancing the interests of the people, it becomes practically useless. Anyone who was following the proceedings of the Municipality for over a year cannot but be struck by the fact that an unholy fight was going on between the two factions, and that, whichever party got the majority in the Council, there was very little chance of the Chairman being allowed to do things peaceably in the interests of the rate-payers. It was, therefore, proper that an official member of the Council who belonged to neither party was nominated for the place for the time being. I, therefore, oppose the motion.

SRIMATI T. MADHAVI AMMA.

I stand here to support the opposition without any reference to the Chairman or the Councillors concerned. For, from the explanations given here, it is certain that both the parties have erred, and things are still in a state of confusion there. As some of the Hon'ble Members have already pointed out, I too am of opinion that the Government should have interfered and set everything right in time. Yet, because they have not done it earlier, it is no reason whatever why they should not interfere now and mend matters, if these are not yet come to a satisfactory condition.

Mr. K. ACHYUTA MENON.

Sir, I shall first deal with the only point that requires an explanation from me. I was challenged by the Member for the

Jewish Constituency. Section 7 of the Regulation has been read over and over again. In the face of that, I do not know how the challenge is so boldly thrown. If the Government think of appointing a Chairman, it must be notified. The right of election is always subject to notification by the Government that the Chairman shall be appointed by them.

Mr. A. B. SALEM.

My point is whether there is any rule which empowers the Government to take it away. When the Regulation came into force, the Government had given up the power of appointing a Chairman and had given the right of election. Once the right of election is given to the Municipality, it is given for all time, and there is no section to take away the right of election.

Mr. K. ACHYUTA MENON.

Which is the section of the Regulation which says that the election of the Chairman shall be notified before election, and that the failure to notify would have the effect of conferring the right of election? I should like to hear that section before I answer.

Mr. A. B. SALEM.

In the old Act there was a section which empowered the Government to take away the right of election. Under the new Act there is no such provision.

President.—Have you got any particular section to lay your fingers on, the section which says that the right of election once conferred cannot be taken away?

Mr. A. B. SALEM.

Yes, Sir. That is what I am saying. Please refer to section 7, clause 1, just now read.

President.—What is the section which shows that the right of election once given will endure for all time?

Mr. A. B. SALEM.

No such section is necessary at all for this purpose. The argument here is whether Government has the right of taking away the power of election once given. That is the enabling section.

Mr. K. ACHYUTA MENON.

That is all right. The right of election was conferred for that particular occasion because of the absence of the notification.

Mr. C. A. OUSEPH.

May I ask the member whether it is his point that all the Municipal Councils in the State have not the right of electing their Chairman unless at every period they are given this power, unless the Government gives them the power? I understand that this section itself gives the Government the power to take away the right.

Dr. A. G. MENON.

Does it mean that every time the Chairman is elected in the Municipality, the Government should notify the grant of the right of election?

Mr. K. ACHYUTA MENON.

The Government may notify. The effect of the notification will be the non-conferring of the elective right — not “taking away”, as the Member for the Jewish Constituency says, and the conferring of the right on any occasion will be the necessary effect of the absence of the notification.

Mr. A. B. SALEM.

May I ask, Sir, whether under this notification the right of election now possessed by the other Councils is a very precarious one?

Mr. K. ACHYUTA MENON.

Yes, Sir. It is. The power conferred under the present Regulation is a precarious one. Unfortunately, Government at this stage have thought fit to confer only this limited right.

Mr. A. B. SALEM.

I am sorry that the Government think it worth while, when the public had advanced to this stage, to withhold this right.

Mr. K. ACHYUTA MENON.

Section 236 empowers Government to take away the applicability of section by section, chapter by chapter, and the power of election is one of these which they may take away. Only Chapter VI, relating to Taxation and Finance, cannot be touched. The Government are empowered to include areas or exclude areas from the Municipal limits, so that the right of taxation can also be affected. Have they not, then, the right to take away the franchise? It can add portions to, or exclude portions from, Municipal limits. Is that a very safe right? So long as the Regulation is in force—whether it ought to be or not is another question—this right of election is precarious, and it is left to the Government to decide whether the right of election should continue or not.

With regard to the state of affairs in the Municipality, I think it is waste of time to refer to the several things said in this House with regard to what induced the Government to take this action. Much has been said on either side. Whoever may be the cause, what we have to consider is the state of the present circumstances, and not whether the Chairman or the members were to be blamed.

Mr. N. PADMANABHA MENON.

Was any action taken by the Government on some of the petitions and complaints received from Mattancheri in this connection?

President.—They were duly considered and proper action taken.

Mr. N. PADMANABHA MENON.

I wish to ask a question for some information. Are the materials, considered by the Government, supplied by the Chairman of the Municipality, or are they materials collected by independent enquiry?

President.—No independent enquiry was conducted.

Mr. N. PADMANABHA MENON.

Are we to understand that the materials upon which the Government acted were supplied by the ex-Chairman, the materials on which the present action of the Government was taken?

President.—No. It was not at all on materials supplied by the ex-Chairman.

Mr. N. PADMANABHA MENON.

May I know what materials the Government had?

President.—Yes. I think such of the materials that are necessary may be disclosed.

Mr. K. ACHYUTA MENON.

The work of the Municipality is well-known to Mr. Koder. I am afraid my weakness is peculiar in these things. The Chairman is my client. I am sorry I had to argue that point against the Chairman. That is all I say.

Mr. N. PADMANABHA MENON.

May I ask the Hon'ble Member whether he had to challenge the opinion of the Chairman as wrong? The question here is to discuss the matter, not whether the members were fighting like Kilkenny cats or dogs. I want to know whether

the Hon'ble Member had to oppose the Chairman's views.

Mr. K. ACHYUTA MENON.

It was clear from what I said.

Mr. N. PADMANABHA MENON.

In that case, I do oppose the Chairman's views.

Dr. A. G. MENON.

There is an express opinion that, in case the fight is to be continued, the franchise will be taken away. The time is up. If the discussion is not finished, it can go on till 5-30.

Mr. A. SANKARA PUDUVAL.

The mover has a right of reply, Sir, under Standing Order No. 23, clause 3. A member who has moved a motion may speak again by way of reply, and if the motion is moved by a non-official member, the official member in charge of the department to which the matter relates shall, after the mover has replied, have the right of speaking whether he has previously spoken in the debate or not.

President —But there is the time-limit.

Mr. A. B. SALEM.

It is enough, if it is finished before 5-30 p. m.

President.—Therefore, that is an evanescent right which he may or may not get.

RAO SAHIB T. V. KASTURI RAANGA AYYAR.

Mr. President.—With your permission, I rise to make a few observations. I have had some personal experience of the working of the Mattancheri Municipality in the olden days. I refer to the old Town Councils we had in the State from 1085 up to 1096, for a period of 11 years, when the old Municipal and Town Improvement Regulation of 1085 was in force. Well, I may tell you that the chief difficulty that I had to experience in working the old Town Council of Mattancheri was to find out competent members, as well as an influential Chairman to serve in the Council. Indeed, the problem of finding out a competent Chairman and also a number of earnest Councillors, who will take a real interest in the affairs of the Municipality, was a very hard nut we had to crack frequently. There was, no doubt, the right of election of members vested in the old Town Councils. Even during the period the right of election was given to voters, very few seats were contested. Of course, in Mattancheri, there is, and has always been, a large number of wealthy, influential,

charitable and philanthropic merchants. They are all business men engrossed in their business. I have had intimate personal experience with the merchants of Mattancheri, and I have moved with them freely for some time when we had the rice control scheme to deal with. They generally wish to be left alone with their business. They mind their own business and do not generally interfere with other people's business, much less in civic affairs. So, during that period of 11 years, we had to select Chairmen from other professions. I must say that we got excellent men. Messrs. Parameswara Ayyar, Guna Pai, Salem and others had been Chairmen of the Mattancheri Municipality from time to time. They did their work well. I do not hold a brief for Mr. Parameswara Ayyar, but I may say that, as a nominated President of the old Town Council, his work was very much appreciated by Government as well as by the rate-payers.

Coming to the present Municipal Regulation and the new era that it ushered in, Mr. Parameswara Ayyar had to face several difficulties in the discharge of his duties, but, on the whole, he acquitted himself fairly well. Having regard to the history of the working of this Municipality during this sensational period, the action of the Government in appointing an official Chairman at this juncture is absolutely justified.

First of all, I would ask the House to make a distinction between a phantom and a reality. We should not deprive the rate-payers of Mattancheri of the amenities of Municipal life by attaching undue importance to the phantom of having an elected Chairman. After all, the virtue of having an elected Chairman is nothing but a phantom. The House will note that the Council has the reality of a non-official elected majority. The rate-payers should not attach undue weight to the right of electing their Chairman without looking to efficiency. My advice to the members of the Mattancheri Municipal Council, at this stage, is that they should not attach any importance to phantoms. We must go in for realities. So far as I have been able to gauge the situation, the first point that struck me with regard to the conduct of the business of the Mattancheri Municipality during the term of office of the last Council, was the existence of a great deal of irregularity and laxity in the collection of taxes. There was a great deal of delay in collection. There were also several complaints, and I believe that it was these complaints that gave rise to confusion in the electoral rolls. That is what I have understood, and I am open to correction. So far as I can say from what I have heard from

other people, the chief cause of the confusion in the electoral rolls was the laxity in the collection of Municipal dues.

Mr. A. B. SALEM.

I want to put a question as to who is responsible for this delay—the Council or the executive staff or the Bill-collectors.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

I believe the delay was due to the executive staff. Admittedly, some of the rate-payers did not care to pay their taxes on the due dates.

Mr. A. B. SALEM.

2,100 out of 2,400 voters had paid their taxes before the preparation of the electoral rolls.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

I have premised my statement by saying that I am not in possession of details and that I am open to correction.

Mr. S. S. KODER.

Now, the merchants of Mattancheri take a good deal of interest in Municipal affairs.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

You assure me so. I am very glad to hear that. The Government have no special interest of its own in the matter of appointing an official Chairman. The House will please note that Government exists for the people; it exists for all local bodies; it exists for the Mattancheri Municipality; it exists for every one.

The first cause that weighed with Government, in the present state of affairs, in appointing one of their own officers as Chairman is to see that the taxes are properly and regularly collected.

There is also a second and a more important reason for the action taken. In all the Municipalities in the Madras Presidency, the complaint is that they get very small sums from Government as contribution for works of local utility. This has been the common complaint with our Municipalities too. But the Mattancheri Municipality is an exception. Something like Rs. 60,000 is now standing to the credit of this Municipality, mainly out of the doles given by Government. If works have been properly done, such a large balance would never have been accumulated. Delay in execution of works may be due to want of adequate professional supervision. But you

will not deny that if the works have been properly executed, the money would not have remained idle so long. Provision of adequate facilities for drainage is the chief thing to be done in an insanitary place like Mattancheri. The fact remains that strenuous measures have not been taken in the Municipality to see that the works were carefully passed and carried out. In the best interests of the rate-payers of the Municipality, it is necessary to spend the money well rather than allowing it to lapse. If money had been well spent, they would have been able to enjoy the amenities of civic life and a great deal more of comfort. It is for seeing that the money is well spent on works of public utility that an official—especially a D. P. W. officer of considerable experience—has just been appointed as Chairman. In doing so, Government have made a sacrifice.

For these reasons, I strongly oppose the motion.

Mr. P. DAMODARA MENON.

Sir, the Press Communique issued by the Government explains, though concisely, the main reasons that led the Government to adopt the course they followed in Mattancheri. That course was the result of a compelling necessity and was taken with extreme regret. The last Council came into existence on the first Vrischigam 1099, and ever since, the affairs of the Municipality were causing the Government a good deal of anxiety. The presence of the two parties in the Council with their conflicting policies and programmes was at first not much keenly felt; but last year, i. e., in 1100, the differences became more pronounced, and the game of obstruction began in right earnest with the result that the Council was not able to do, during the year, any effective work contributing to the welfare of the people. Many works of public utility chalked out for completion during the year could not be pushed through, not because of want of funds, but because of the continued obstruction from one party in the Council. Funds to the extent of Rs. 59,800 are now left to the credit of the Council, as these could not be properly utilised for the improvement of the town. In the year 1100 itself, an allotment of Rs. 54,200 was, in the ordinary course, set apart under the head "Public Works" in the Mattancheri Municipal budget, and when it is known that the Council was able to utilise only Rs. 24,650—a sum not even half of the original budgetted allotment, for works of public importance—it may be understood with what amount of civic patriotism the Council was running the administration of the town. The Kochangadi road work, for which acquisition proceedings were completed, the Cheralai-kadavu road and the Kottukulam-Cheralai extension road, as also

many other sanitary works, such as drain construction and the sinking of public wells, which could have been taken up and completed during the year, were left unattended. More than once the Council met simply to disperse without transacting any business. The picture could not have been otherwise, as the administration was running in a welter of confusion and faction. These unpleasant developments had occasionally come to the notice of Government, and they were constrained to issue an order that the proceedings of the Council would not be published in the Gazette, if matters did not improve. On a subsequent occasion, they made the following observations under date 28th March, 1924:—

"It is not an edifying spectacle to see the constituents of a representative body like the Municipal Council, presumably imbued with some sense of their responsibility and the duty they owe to the rate-payers, behaving in this fashion. Government, however, hope that a better spirit will pervade the deliberations of the Council in future".

At a later stage Government had to withdraw the Town Improvement funds provided in the State budget from the control of the Council and authorise the Chairman to utilise the funds for the works approved by the Government. In reviewing the administration report of this Municipality for the year 1929, Government observed that "civic progress depends in a large measure, upon close co-operation among the members of the Council, and they trust that this will not be found wanting in the case of the Mattancheri Council". Though Government waited for one full year, matters did not improve; on the other hand, they became worse.

It was in circumstances such as those now explained that the Government came to appoint an official Chairman to the Municipality at Mattancheri. The step was not taken without much hesitation, and no body regrets it more than the Government themselves. They will be only too glad to see the Municipality restored to its former position as soon as conditions improve.

Mr. A. B. SALEM.

May I know whether the Government have issued these orders upon enquiry?

Mr. P. DAMODARA MENON.

The proceedings published in the Government Gazette will show. No further enquiry is necessary. The Administration

Report also gives enough details. We were forced to take the step and we took it.

Mr. A. SANKARA PUDUVAL.

I beg to move that the question may now be put.

President.—It is a subject entirely under discussion.

Dr. A. G. MENON.

Not an adjournment motion.

Mr. A. SANKARA PUDUVAL.

The closure motion. Rule 25, Standing Orders.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

Does the rule apply to adjournment motions?

President.—I consider this as an infringement of the rights of reasonable debate. More light may be thrown on the matter.

Dr. A. G. MENON.

Sir, I would like to make a few observations.

President.—Are you opposing or supporting?

Dr. A. G. MENON.

I am not in a position to say that, Sir. I am going to express my opinion. It is rather difficult to say one's own opinion, before he gets up and brings forward his arguments. I am not in a position to say whether I am going to vote for the motion or not. The chief point to be considered is the principle.

Mr. K. T. MATHEW.

There should be place for neutrals.

Mr. T. K. KRISHNA MENON.

Yesterday, there was a ruling that a member speaking must say whether he is for or against a motion.

President.—Is it so very difficult to say whether you oppose or support?

Dr. A. G. MENON.

I shall tell you later on. I shall be able to give my view only after hearing all the members. I am not now in a position to say.

Dr. A. R. MENON.

He has assumed a neutral attitude, and he is neither for nor against. He speaks so that the members may be enlightened on this point.

Dr. A. G. MENON.

Sir, the main point is whether the action of the Government is commendable or not.

President.—Are you going to support or oppose the motion?

Dr. A. G. MENON.

Sir, I rise now to place my views before this House. I am unable to say, at present, whether I am for or against the motion.

My main point is whether the action of the Government is commendable in appointing a Chairman and taking away the right of franchise from the Municipal Council, thereby cutting at the very roots of the principles of self-government. If that is right, I have nothing to say about the appointment of an official or a non-official as Chairman.

From the various speeches made here and from the answers given, I understand that no sufficient notice was given to the Councillors and the Chairman that the franchise would be taken away in case they do not work harmoniously.

Mr. T. K. KRISHNA MENON.

They were given two years for the same.

Dr. A. G. MENON.

I know they had two years as Chairman and Councillors.

The Government admitted that the chaotic state of affairs was brought to their notice six months ago. And what did the Government do? They kept quiet till the last moment and surprised us with this order published in the Gazette for the first time. If sufficient warning had been given, this order would not have caused so much heart-burning and surprise to the public. This sort of procedure, Sir, I think, is a grave administrative blunder. So the action of the Government in passing this order so suddenly is not at all commendable.

But as matters stood then, it was the duty of the Government not to allow Municipal administration to be brought into contempt. In this view, the action of the Government is justifiable to a great extent.

Mr. T. K. KRISHNA MENON.

Sir, I oppose the motion. I am glad to say that I do not belong to any party. I do not come here with any ill-will against one or the other. On the other hand, I am glad to say

that I own friends, and very good friends too, on both sides of the contesting parties. They have flattered me with their confidence; and so far as it lay in my power, I have tried to smoothen their angularities as much as possible, (*Laughter*) but with little effect.

I think it may be a matter for surprise to many that a motion of this nature should have been brought and supported by members from a distant quarter. I mean no insinuation when I say that they are not in possession of all the facts. The member who moved this motion simply quoted certain statements from the Press Communique and contented himself by merely contradicting those statements without giving any reasons for the statements he made.

Mr. S. S. KODER.

Do you think I should have moved it?

Mr. T. K. KRISHNA MENON.

I do not for a moment take objection to the fact that you did not bring forward the motion. As the member of that Municipality, it would have been appropriate if you had done so.

It has been very repeatedly stated that, in other parts of India, this right of franchise, this right to elect their own Chairman has been wrested by civic bodies from the Government. They had to fight for it. What is the state in Cochin? It was spontaneously given as a generous gift by the Government, because the Government thought the people were in possession of the necessary culture and character to take advantage of that privilege. So, is it likely that the Government will lightly alter that position? Certainly not. There must have existed very good grounds for the Government in taking the step complained of. The Press Communique is an answer to those who question the action of the Darbar. If it is not an answer, every member of this House would do well to refer to the issues of the Cochin Government Gazette for the past two years in which, week after week, you will be pained to read the nauseating proceedings of this Municipality. I shall not characterise the deliberations of that Council, because then I have to use adjectives to every one of which you will take objection as unparliamentary.

Mr. S. S. KODER.

There is fault somewhere. It seems to me that you will be able to know on which side the fault lies.

Mr. T. K. KRISHNA MENON.

There is no doubt that the fault lies on the one side or on the other or on both sides. Anyway, the Cochin Municipality ceased to function. It was not in a position to work. Whether it was due to the fault of the Chairman or to that of the Councillors that it ceased to work decently we need not at present speculate. I shall not attempt that task. But this fact is there. In a place like Mattancheri, insanitary and unhealthy, where the cowdung and the sugar bags are jumbled together, where the canal and the roads are dirty and stinking, you will find that the sum of Rs. 60,000—to be more accurate 59,800—was left untouched. Whose fault was it? If it was the fault of the Chairman, why could not the members make him work?

Mr. S. S. KODER.

That is the last step they have taken.

Mr. T. K. KRISHNA MENON.

That is a delicate point. It is enough if I say that the Council ceased to look for the good of the public.

Mr. A. B. SALEM.

May I know what the new members had done?

President.—Nothing was done by the new members. The Council is not fully formed.

Mr. T. K. KRISHNA MENON.

The only fault against the Government is that they have appointed an official member. If they look into the work that is to be done there, it can be done only by a competent engineer. Further, among the officials, the Tahsildar is not available, as he is in temporary charge of the Ernakulam Municipality. The doctor cannot be spared on account of his Hospital work. Then remains only the Assistant Engineer.

Mr. A. B. SALEM.

Why not appoint a non-official? There are merchant princes.

Mr. S. S. KODER.

Why do you talk of merchants? There are other classes of people.

Mr. T. K. KRISHNA MENON.

I am glad to hear that candid remark. The Government can ask him to retire when it wants him to retire, when the Council is prepared with its own accredited chief. Merchants do not want to take any part in this. As the Diwan

Peishkar rightly said, they cared only for their trade and their money. They thought that, "For forms of Government let fools contest whatever is best administered is best." They marched to His Highness. That was the only occasion when they showed themselves out as interested in this matter. I have much more to say. But I shall stop, as it is 5-30 p. m.

The Council adjourned at 5-30 p. m., the motion having automatically terminated under Rule 21 (1) and S. O. 14 (1).

T. K. KRISHNA MENON,

Secretary to the Council.